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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 HOWARD RONALD TUBIN, individually,

11 Plaintiff,

12 v.

13 DEPUY SYNTHES SALES, INC., d/b/a
DEPUY SYNTHES JOINT
RECONSTRUCTION; DEPUY SYNTHES
INC.; JOHNSON & JOHNSON; DEPUY
ORTHOPAEDICS, INC.; STRYKER
CORPORATION; HOWMEDICA
OSTEONICS CORPORATION d/b/a
STRYKER ORTHOPAEDICS; AAP
IMPLANTS, INC.; DOES 1 through 15,
inclusive; and ROE BUSINESS ENTITIES 1
through 15, inclusive,

19 Defendants.

10 CASE NO.: 2:20-cv-02347-APG-DJA

11 **STIPULATED MOTION TO EXTEND
TIME TO RESPOND TO COMPLAINT
(THIRD REQUEST)**

21 COMES NOW Plaintiff HOWARD TUBIN, by and through his attorneys of record, Lindsay
22 K. Cullen, Esq., and Brett A. Carter, Esq., of BERTOLDO, BAKER, CARTER AND SMITH, and
23 Defendants, DEPUY SYNTHES SALES, INC. d/b/a DEPUY SYNTHES JOINT
24 RECONSTRUCTION; DEPUY SYNTHES INC.; JOHNSON & JOHNSON; and DEPUY
25 ORTHOPAEDICS, INC. (collectively, "DePuy Defendants"), through their counsel, BARNES &

1 THORNBURG LLP and KAEMPFER CROWELL, and states that they met and conferred to discuss
2 the pending dispute and hereby stipulates as follows:

3 **WHEREAS**, on or around December 31, 2020, Plaintiff commenced this action by filing a
4 First Amended Complaint in the United States District Court for the District of Nevada, *Howard*
5 *Ronald Tubin v. DePuy Synthes Sales, Inc., et al.*, 2:20-cv-02347-APG-DJA;

6 **WHEREAS**, on January 22, 2021, the parties moved this Court to extend time for the Depuy
7 Defendants to respond to Plaintiff's Complaint while the parties participated and engaged in good
8 faith efforts to resolve this matter as to Defendants DePuy without the need for further litigation.

9 **WHEREAS**, the Court granted DePuy Defendants [First] Stipulated Motion to Extend Time
10 on January 25, 2021, via Minute Order DOC 18, thereby requiring DePuy Defendants to file their
11 response to Plaintiff's Complaint by February 24, 2021;

12 **WHEREAS**, the Parties filed a second Stipulated Motion to Extend Time to Respond to
13 Complaint on February 22, 2021, to continue with their good faith resolutions efforts, with the Court
14 granting same on February 23, 2021;

15 **WHEREAS**, the Parties still continue in good faith to participate and engage in good faith
16 efforts to resolve this matter against the DePuy Defendants without the need for further litigation
17 and thereby jointly seek a third extension of time from this Court for DePuy Defendants to answer
18 or otherwise respond to Plaintiff's Complaint. If the Parties cannot reach a resolution, and for good
19 cause hereby appearing, the Parties agree and stipulate to an additional sixty (60) days of time for
20 DePuy Defendants to answer or otherwise respond to Plaintiff's Complaint, thereby making the
21 responsive pleading due by May 25, 2021.

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1 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and DePuy Defendants,
2 by and through their respective counsel, and the Court is respectfully requested to order that:

3 DePuy Defendants may have an extension of sixty (60) days from March 26, 2021 to file a
4 response to Plaintiff's Complaint. DePuy Defendants must file their responsive pleading by May
5 25, 2021.

6 DATED this 26th day of March, 2021

7 BERTOLDO BAKER CARTER &
8 SMITH

9 */s/ Lindsay K. Cullen*
10 LINDSAY K. CULLEN, ESQ.
11 Nevada Bar No. 12364
12 BRETT A. CARTER, ESQ.
13 Nevada Bar No. 5904
14 7408 W. Sahara Avenue
15 Las Vegas, Nevada 89117
16 Attorneys for Plaintiff

6 DATED this 26th day of March 2021

7 KAEMPFER CROWELL

8 */s/ Robert McCoy*
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15 Attorneys for Defendants, Depuy
16 Synthes Sales, Inc. dba, Depuy Synthes
17 Joint Reconstruction; Depuy Synthes
18 Inc.; Johnson & Johnson, and DePuy
19 Orthopaedics, Inc.

15 **ORDER**

16 **IT IS SO ORDERED.**

17 DATED this 29th day of March 2021.



18 _____
19 DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE

21 Prepared and Submitted by:

22 BERTOLDO BAKER CARTER & SMITH

23 */s/ Lindsay K. Cullen*
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27 Nevada Bar No. 5904
28 7408 W. Sahara Avenue
29 Las Vegas, NV 89117
30 Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Bertoldo Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, Nevada 89117.

I HEREBY CERTIFY that on this 26th day of March 2021, I electronically filed the **STIPULATED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT (THIRD REQUEST)** the Clerk of Court using the CM/ECF system for filing and transmittal of Notice of Electronic Filing to all parties and counsel identified on the Court generated Electronic Filing System and via electronic mail to the following:

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10 Attorneys for Defendant Howmedica Osteonics Corp

11
12 I certify under penalty of perjury that the foregoing is true and correct and that this Certificate
13 of Service was executed by me on the 26th day of March, 2021 at Las Vegas, Nevada.

14
15 */s/ Dana K. Taylor*
16 An Employee of Bertoldo Baker Carter & Smith

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